



REMARKS/ARGUMENTS

The Examiner has delineated the following inventions as being patentably distinct:

Group I, Claims 8-34 are, drawn to a pharmaceutical composition comprising levodopa methyl ester and carbidopa monohydrate, and an acid-base couple administering as a single oral dose to a human, classified in class 424, subclass 466.

Group II, Claims 35-48 are, drawn to a method of providing levodopa methyl ester and carbidopa monohydrate and an acid-base couple, administering as a single dose to a human, classified in class 424, subclass 466.

Group III, Claims 49-53 are, drawn to a method of providing levodopa methyl ester and carbidopa and acid-base couple to a human and said method comprising orally administering as a first and second dose compositions, classified in class 424, subclass 466.

Applicants provisionally elect, with traverse, Group I, Claims 8-34 in view of the following arguments why all of the claims should be examined together.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct, and there would be a serious burden placed on the Examiner if restriction is not required (M.P.E.P. 803). The burden of proof is on the Examiner to provide reasons and/or examples to support any conclusions in regard to patentable distinction.

The claims of Group I are integrally linked with the claims of Group II and Group III. Pharmaceutical compounds, method of treatment and method of administration are all interdependent and should be examined together. M.P.E.P. 809. There is a commonality that exists between Group I and Groups II and III. It is a technical relationship that involves the same features, and it is this technical feature that defines the contribution which each Group taken as a whole make over the prior art. Claims to the necessary process for producing the claimed product of process must be examined along with the claims to the elected invention

M.P.E.P. 809. To simply allege different methods for administering essentially the same compound does not suggest separate inventions, especially since all of the claims are classified in the same class/subclass. Restriction is only proper if the claims of the restricted group are not related.

Moreover, the M.P.E.P. 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.”

Applicants submit that a search of all the claims would not constitute a serious burden on the Office.

Further, Applicants reserve the right to file a divisional application on the non-elected subject matter, if so desired, and be accorded the benefit of the filing date of the parent application.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and an early notice of such action is earnestly solicited.


Respectfully submitted,

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